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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,604	07/07/2003	Naomi M. Jenkins	2000.107500/TT5487	7792
23720	7590	08/11/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			VO, HIEN XUAN	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,604	<b>Applicant(s)</b> JENKINS ET AL.	
	<b>Examiner</b> Hien X. Vo	<b>Art Unit</b> 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 13, 14, 16-18, 20-23, 25-33 and 38-43 is/are rejected.  
7) ☒ Claim(s) 9-12, 15, 19, 24 and 34-37 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/18/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 13-14, 16-18, 20-23, 25-33 and 38-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Pasadyn et al. (U.S. Patent No. 6,773,931) and in view of Mih et al. (U.S. Patent No. 6,407,396).

With respect to claims 1, 13, Pasadyn et al. disclose a dynamic targeting for a process control system that includes performing a process step upon a batch of workpieces using a processing tool (see e.g. abstract), performing a tool state analysis upon the processing tool (see e.g. col. Col. 3, lines 40-43) except for teaching a dynamic metrology routing adjustment process based upon the tool state analysis, the dynamic metrology routing adjustment process further comprises correlating the tool state analysis to the batch of workpieces and adjusting a metrology routing based upon the correlation. However, Mih et al. disclose a wafer metrology structure including a dynamic metrology routing adjustment process based upon the tool state analysis, the dynamic metrology routing adjustment process further comprises correlating the tool

Art Unit: 2863

state analysis to the batch of workpieces and adjusting a metrology routing based upon the correlation (see e.g. Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify system of Pasadyn et al. by the wafer metrology structure as taught by Mih et al. to overcome and perform separate critical dimension measurement for each pattern formed within a semiconductor device in addition to separate overlay measurement.

With respect to claims 2-5, 14, 18, 21, 23, 25, 30 Pasadyn et al. disclose the invention as claimed including the process step upon the batch of workpieces further comprises performing the process step upon a batch of semiconductor wafers (see e.g. col. 13, lines 55-57), the tool state analysis upon the processing tool further comprises acquiring tool state data (see e.g. col. 14, lines 10-14), the tool state data further comprises acquiring at least one of a pressure data, a temperature data, a humidity data, and a gas flow rate data relating to the process step performed upon the workpieces (see e.g. col. 2, lines 50-54), the tool state analysis upon the processing tool further comprises performing a tool health analysis relating to the processing tool (see e.g. col. 2, lines 12-20).

With respect to claims 6-8, 31-33, Pasadyn et al. disclose the invention as claimed including a fault detection analysis relating to the processing of the batch, an operation performed by the processing tool, at least one fault relating to the batch (see e.g. col. 2, lines 54-65).

Claims 16, 17, 22, 26 are apparatus claims corresponding to method claims 1-8, 13. Therefore, claims 16, 17, 22, 26 are rejected for the same rationales set forth for claims 1-8, 13.

With respect to claim 20, Pasadyn et al. disclose the invention as claimed including a database unit to store at least one of metrology data, tool state data and the electrical test data (see e.g. Fig. 3. item 340).

With respect to claims 27-29, Pasadyn et al. disclose the invention as claimed including, the process step upon the batch of workpieces further comprises performing the process step upon a batch of semiconductor wafers (see e.g. col. 14, lines 54-55), the tool state analysis upon the processing tool further comprises acquiring tool state data (see e.g. col. 14, lines 43-46), acquiring the tool state data further comprises acquiring at least one of a pressure data, a temperature data, a humidity data, and a gas flow rate data relating to the process step performed upon the workpieces (see e.g. claim 22).

With respect to claims 38-43, the limitations of these claims have been noted in the rejection above. They are therefore consider rejected as set forth above.

Claims 9-12, 15, 19, 24, 34-37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments filed 05/25/05 have been fully considered but they are not persuasive because the prior art still read on the certain features of applicant's invention.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo  
08/03/05

**BRYAN BUI**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Bryan Bui', is written below the printed name and title.